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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/808,456	03/25/2004	John B. McAdams	315-101P-WLK	4857

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EXAMINER	
SUHOL, DMITRY	
ART UNIT	PAPER NUMBER
3725	
MAIL DATE	DELIVERY MODE
05/21/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/808,456	MCADAMS ET AL.	
	Examiner	Art Unit	
	Dmitry Suhol	3725	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 February 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) *1-16* is/are allowed.

6)☒ Claim(s) *17-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 17-20 rejected under 35 U.S.C. 103(a) as being unpatentable over Lemelson et al '656 in view of Swartz et al '418, Gabritsos et al '250 and Nakazawa '288 or Ueno '750. Lemelson discloses a device for scanning and audio generation (as required by claims 18 and 20) from printed material containing most of the claimed elements, including with reference to claims 17 and 19, a book including at least one page bound at an inner edge to a book cover to define a book spine (book 2), printed matter including normal-sized printed text configured for a sighted person printed on at least on page (pictures and written text disclosed in col. 3, line 61), a bar code printed on the page (bar code 4), the bar code oriented parallel to an edge of at least one page and located within the margin of the page (figures 1 and 2 and col. 3, lines 59-61), the bar code emulating the printed text (col. 7, lines 37-41) and configured to be scanned by a hand held scanner (60). A contact type hand held scanner, as required by claims 17 and 19, is shown as scanning device 60 in figure 4 whose function is described in col. 6, lines 32-41. The relationship of the bar code and printed matter as required by claims 18 and 20 is described in col. 7, lines 37-41.

Gabritsos is relied upon to teach that it is known to manufacture a children's book with printed matter (figure 1) and related machine readable code (12) which is read by a device (16) having a guiding edge (18) cooperating with an edge (14) of the book so that the device travels along the machine readable code. Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention, to have manufactured the hand held device and book portion of Lemelson with a guide edges of Gabritsos instead of the template (8) since they carry out the same function and are therefore art recognized equivalents and the selection of any of these know equivalents to guide a hand held reader along a page would have been within the level of ordinary skill in the art.

Lemelson fails to explicitly teach that his bar code is a Braille linear high density multidimensional type barcode (2-D as required by claim 15) as required by claims 17 and 19. However, Swartz discloses a device which converts bar code data into audible sounds (used for blind people col. 4, lines 59-62) which teaches that it is known to use a variety of bar codes including a Braille type linear high density multidimensional type barcode (col. 4, lines 27+). Therefore it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention to have utilized a Braille type linear high density multidimensional type barcode (including a 2-D bar code) since the use of a particular type bar code would only depend on the amount of information to be stored and conveyed, especially since Lemelson clearly states that he envisions for his device to be utilized by the handicapped (col. 1, lines 57-61). Furthermore, the specific bar code dimensionality is considered to be a design choice in that applicants disclose that

the bar code used in their invention may be of any type desired (page 12, lines 12-14 and page 18, lines 6-8).

Nakazawa and Ueno are both relied upon to teach that it is known to manufacture a contact type scanning/reading device with an omni-directional photo emitter/receptor which is operable when in contact with a 2-D bar code. Therefore it would have been obvious to one having ordinary skill in the art utilize a construction with the scanner/reader of Lemelson being one such that a 2-D bar code may be read, especially since Lemelson clearly uses a contact type scanner/reader and makes no distinction of whether his bar code is one dimensional or multidimensional and the use a 2-D bar code would have been obvious as it would only depend on the amount of information to be encoded (as stated above).

Regarding the dimensionality of the Braille bar code as required by claims 17 and 19, it would have been obvious to one having ordinary skill in the art, at the time of the claimed invention to have manufacture the bar codes of Bail as a two or three dimensional bar code for the purpose of holding varying amounts of information and since the examiner takes official notice that such bar code construction is well known in the art. Furthermore, the specific bar code dimensionality is considered to be a design choice in that applicants disclose that the bar code used in their invention may be of any type desired (page12, lines 12-14 and page 18, lines 6-8).

Claims 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Swartz '418 in view of Lemelson '656 and Nakazawa '288. Swartz discloses a device in

book form (figure 3) having printed matter including text for a sighted person (45), the device converting bar code data into audible sounds (used for blind people col. 4, lines 59-62) and teaching that it is known to use a variety of bar codes (42) including a Braille type linear high density multidimensional type barcode (col. 4, lines 27+).

Lemelson is relied upon to teach placement of a bar code in the margin portion of a book (figures 1 and 2 and col. 3, lines 59-61) within an environment like that of Swartz for the purpose of not interfering with the printed matter of the book. Therefore it would have been obvious to place the bar code of Swartz in a margin location or another location so as not to interfere with the printed matter of the pages.

Nakazawa is relied upon to teach the use of a contact type hand held scanner (see figure 8 for example) usable with a 2-D bar code (col. 7, lines 35-40) and having left and right guiding edges (read onto the edges of the scanner as broadly claimed) with a wider body scanning portion and a thinner lower body gripping portion (see figures 4A, 5A-6B and 7-9). Nakazawa further teaches the use of an omni-directional photo emitter/receptor with a contact type scanner/reader (figure 1 and 12). Therefore it would have been obvious to utilize the scanner/reader of Nakazawa in the system of Swartz fro the purpose of scanning a wide bar code without having to increase the size and length of the scanner/reader device.

Allowable Subject Matter

Claims 1-16 are allowed.

Response to Arguments

Applicant's arguments filed 2/22/07 have been fully considered but they are not persuasive. Regarding the remaining rejections, applicants argue that none of the references disclose the use of a page surface and an edge provided with the page. In response the examiner points out that the combination of above references teach precisely that, where the device of Lemelson is a contact type device and is guided by the surface of the page where the page is provided with a guide (8), while Gabritsos further teaches (as stated by the applicants) a page provided with a guide. Therefore the combination of reference clearly obviate applicants claim language.

Applicants further appear to argue that the examiner used the language "obvious to one skilled in the art", in response the examiner points that applicants are clearly mistaken as no mention of one skilled in the art exists in the rejection. However even if such wording did exist it would have been a simple over sight as the examiner clearly uses the language of "one having ordinary skill in the art" throughout the rejection.

Regarding arguments with respect to the Swartz (as the base reference) the examiner directs applicants attention to the above rejection where all of the claimed limitations are disclosed and obviated as stated above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dmitry Suhol whose telephone number is 571-272-4430. The examiner can normally be reached on Mon - Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached on (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dmitry Suhol
Primary Examiner
Art Unit 3725

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